



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICOLE IMBEAULT on behalf of herself, all
others similarly situated, and the Proposed
New York Rule 23 Class,

Plaintiff,

v.

RICK'S CABARET INTERNATIONAL INC.,
RCI ENTERTAINMENT (NEW YORK) INC.,
PEREGRINE ENTERPRISES, INC.,

Defendants.

Case No. 08-CV-5458 (GEL)

CIVIL CASE
MANAGEMENT PLAN

After consultation with counsel for all parties, the following Case Management Plan is adopted. This Plan is also a scheduling Order pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure.

The case is to be tried by a jury.

Yes _____ No _____

DISCOVERY SCHEDULE/DEADLINES

All discovery shall be commenced in time to be completed on or before **May 15, 2009**.

DISCOVERY LIMITATIONS

1. For the purposes of this order, Plaintiffs as a group are one party.
2. No more than a total of **twenty-five (25) interrogatories**, counted in accordance with Rule 33(a), shall be served by each party.
3. Plaintiffs believe that depositions should not exceed **fifteen (15)** per side, and Defendants believe that depositions should not exceed **five (5)** per side, excluding expert witness depositions. Defendant may depose every named Plaintiff notwithstanding this limit. If this matter becomes a class action, the parties will first attempt to agree to modify this limit by submission of a stipulation and proposed order. If no agreement is reached, the parties shall e-file a letter with the Court informing the Court of their respective positions.

J2.

DISCOVERY DISPUTES

Unless otherwise directed, counsel should describe their discovery disputes in a single letter, jointly composed. Separate and successive letters will be returned, unread. Strict adherence to Fed. R. Civ. P. 37(a)(1), the "meet and confer" rule, is required, and should be described in the joint submission as to time, place, and duration, naming the counsel involved in the discussion. The joint letter shall describe concisely the issues in dispute and the respective position of each party, citing the applicable authority that the respective parties claim for support.

EXPERTS

The parties anticipate that they will require expert witnesses for class certification and at the time of trial.

1. Each side may call up to **three (3)** expert witnesses. Accordingly, each party may take one deposition per expert.
2. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26 (a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

Identification by Plaintiffs on or before **March 1, 2009**.

Report by Plaintiffs on or before **April 1, 2009**.

Identification by Defendants on or before **March 15, 2009**.

Report by Defendants on or before **April 15, 2009**.

Rebuttal identities and reports on or before **May 2, 2009**.

3. Expert discovery, including depositions, shall be completed by **May 15, 2009**.

NON-DISPOSITIVE MOTIONS

1. All motions which seek to amend the pleadings or to add parties, if applicable, will be filed and served after the Court has decided the motion for class certification.
2. Non-dispositive motions and supporting documents, including those which relate to pre-class certification fact discovery, shall be filed and served on or before **May 15, 2009**.
3. All non-dispositive motions and supporting documents which relate to pre-class certification expert discovery shall be filed and served on or before **May 15, 2009**.
4. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

CLASS CERTIFICATION MOTION

1. Plaintiffs shall file their motion for class certification on or before **April 1, 2009**.

2. Defendants shall file papers in opposition to the motion for class certification on or before **May 2, 2009**.
3. Plaintiffs' reply brief shall be filed on or before **June 1, 2009**.

DISPOSITIVE MOTIONS

A schedule for dispositive motions, if any, will be set at the post discovery conference. All motions and applications shall be governed by the Court's Individual Practice Rules, which are available on the Internet at <http://www.nysd.uscourts.gov>. Note that under those rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties papers are provided at that time. Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.

JOINT PRETRIAL ORDER

The joint pretrial order shall be filed no later than 30 days after completion of discovery, or after the final decision of any dispositive motion, whichever is later, unless a different date is set by order of the Court. The requirements for the pretrial order and other pre-trial submissions shall be governed by the Court's Individual Practice Rules.

REQUESTS FOR ADJOURNMENTS OR EXTENSIONS OF TIME

All requests for adjournments or extensions of time must be made in writing and state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency, it shall be made at least 48 hours prior to the scheduled appearance.

FURTHER PROCEEDINGS

The parties will return to the Court with a proposed schedule for further proceedings within 30 days of the ruling on the motion for class certification. The Court will then issue an amended pretrial schedule.

Counsel consent to trial (or other dispositive decision) by a U.S. Magistrate Judge.

Yes _____ No _____

*The next conference is scheduled for Jan. 28, 2009,
at 4:30 p.m.*

SO ORDERED

Gerard E. Lynch

GERARD E. LYNCH, U.S.D.J.

8/28/08